

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22410 of 2020

Arising Out of PS. Case No.-71 Year-2017 Thana- DUMARIAGHAT District- East
Champaran

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BIRENDRA RAI S/o Ramadhar Rai Resident of Village- Rampur Khajuria,
P.S.- Dumaria Ghat, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma
	:	Mr.Arun Kumar Sinha
For the Opposite Party/s	:	Mrs.Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020 Heard Mr. Shiva Shankar Sharma, learned counsel for

the petitioner and Mrs. Reena Sinha, learned Additional Public

Prosecutor for the State.

This application for anticipatory bail arises out of
Dumariyaghat P.S. Case No. 71 of 2017 registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 324,
307, 504 and 379 of the Indian Penal Code.

The petitioner had earlier approached this Court for
grant of anticipatory bail in the same case giving rise to Cr.
Misc. No. 13811 of 2019, which was rejected by this Court by
an order dated 03.06.2019. The petitioner has again filed this
application after nearly a year, seeking anticipatory bail. Despite



rejection of his application for grant of anticipatory bail, the petitioner did not surrender before the Court below. The occurrence is of 2017.

Mr. Shiva Shankar Sharma, learned counsel appearing on behalf of the petitioner has submitted that the petitioner has renewed his prayer for anticipatory bail because till date no charge-sheet has been submitted.

The said submission is thoroughly misconceived. The petitioner was aware of his implication in the criminal case. His application for anticipatory bail was rejected by this Court earlier.

Considering the seriousness of allegation against him, in my opinion, filing of second anticipatory bail application in the facts and circumstances of the case, is not only misconceived, it is also an abuse of the process of this Court.

This application is accordingly dismissed, being devoid of any merit.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present



application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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